

**OCCUPATIONAL SAFETY
AND HEALTH STANDARDS BOARD**

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Attachment No. 3

INITIAL STATEMENT OF REASONS**CALIFORNIA CODE OF REGULATIONS**

TITLE 8: Chapter 4, Subchapter 4, Article 14, Sections 1604.5(c)(3) and 1604.6(a)
of the Construction Safety Orders (CSO)

Construction Hoistway Doors and Door Locking Devices**SUMMARY**

This proposed rulemaking action is being initiated at the request of the Division of Occupational Safety and Health (Division). The Division submitted a Request for New or Change in Existing Safety Order, dated December 22, 2000, to amend the Construction Safety Orders (CSO), Sections 1604.6(a) to update the language of the regulation to be consistent with the latest edition of the American National Standards Institute (ANSI) A10.4-1990.

The Division investigated an accident involving two fatalities of workers who fell through a hoistway door at a construction personnel hoist landing at the 21st floor of the Sheraton Grand high rise building under construction in Sacramento. The hoistway door failed and opened when one of the two workers, who may have been engaged in horseplay while waiting for the hoist car, fell against the door.

During the accident investigation, the Division found that the existing regulation has adopted essentially the language of ANSI A10.4-1973, Section 6.1, Hoistway Doors and Door Locking Devices. The review of the regulations revealed that the requirements of the existing Title 8, Section 1604.6(a) for hoistway doors are not as effective as the requirements of the current edition of ANSI A10.4-1990, Section 6.1, because the current edition includes the strength specifications for the design of hoistway doors. Strength requirements for elevator car doors are addressed separately and are contained in Section 1604.18(a)(4) and stipulate that the hoist's elevator door is not to displace when a force of 250 pounds is applied perpendicularly to a 1 square foot area at the center of the door. The proposed amendment will update the language of the existing regulation to make it more effective and consistent with the current edition of ANSI A10.4-1990.

Federal OSHA regulation 29 CFR, Subpart N, Section 1926.552(c)(16) incorporated by reference the ANSI A10.4-1963, Safety Requirements for Workmen's Hoists. Thus, California and federal OSHA regulations are similar to the ANSI A10.4 requirements for the construction hoistway doors. The proposed amendment will update the language of Section 1604.6(a) to be

consistent with the ANSI A10.4-1990. Additionally, the proposed regulation will give the strength specifications for construction hoistway doors.

In light of the above information and discussion, this rulemaking action will address the Division's request to update Section 1604.6 to current national standards to the extent that Board staff's proposal contains language specifically addressing design strength requirements for construction personnel hoistway doors and gates.

The Board staff wishes to acknowledge the fact that the proposed amendments to Section 1604.6 were developed with the assistance of an advisory committee which included representatives from the Division of Occupational Safety and Health (Division) and the two leading manufacturers of construction personnel hoists in California. Board staff's proposed hoistway door strength requirement deviates somewhat from what is contained in the ANSI A10.4-1990 standard to the extent that it proposes that hoistway doors, gates, etc. are not to be displaced from their supports when they are subjected to a force of 250 pounds distributed over an area of 1 square foot applied to any part of the door as opposed to be distributed over the full surface of the door as stated in the ANSI standard. Board staff believes and the advisory committee concurred that Board staff's proposed language will result in more substantial hoistway doors, gates and components that will be less likely to be displaced from their supports thus preventing employees from falling through the door to a level below. During an August 21, 2002 telephone conversation with the Division, the Division restated their support for Board staff's proposed hoistway door strength requirements.

An additional amendment to Section 1604.5(c)(3) which pertains to the design of hoistway enclosures is proposed, which would delete the unnecessary phrase "...and hoistway doors..." in paragraph (3) and eliminate any conflict that could result in confusion between the proposed hoistway door strength requirement in Section 1604.6 and existing hoistway enclosure strength requirements in Section 1604.5(c)(3).

SPECIFIC PURPOSE AND FACTUAL BASIS OF PROPOSED ACTION

Section 1604.5. Construction of Towers, Masts, and Hoistway Enclosures.

This section contains construction hoist requirements including but not limited to: tower and mast construction, protection of spaces below hoistways, hoistway enclosure design, etc. Subsection (c)(3) specifies requirements pertaining to hoistway enclosure design and requires that hoistway enclosures and hoistway doors are to be supported and braced so as to be able to withstand a force of 100 pounds applied horizontally at any point without deflecting more than 1 inch experiencing a reduction in running clearances as specified in Section 1604.11(a).

A revision is proposed to delete the phrase "...and hoistway doors..." in subsection (c)(3). The proposed revision will eliminate confusion between Section 1604.5(c)(3) and the proposed hoistway door strength requirements contained in Section 1604.6. The proposed revision will clarify to the employer that the hoistway door strength requirements are contained in Section 1604.6 and not Section 1604.5(c)(3) which pertains to hoistway enclosure design.

Section 1604.6. Hoistway Doors and Door Locking Devices.

(a) Height, Material, and Installation.

Section 1604.6(a) gives height, materials, and installation specifications for construction hoistway doors. Revision is proposed to update the regulation language to make it essentially consistent with ANSI A10.4-1990. To clearly indicate the different requirements of this regulation to the employers, it is further proposed to subdivide Section 1604.6(a) into five subsections.

It is proposed to label the existing door height requirement as (a)(1) and add three new subsections (a)(2), (a)(3) and (a)(4) to address and specify the design, construction, installation and maintenance requirements for hoistway doors and gates. It is also proposed to revise and label the existing vision-panel specifications as (a)(5).

Proposed new subsection (a)(2) stipulates that hoistway doors and gates shall be so designed, constructed, installed and maintained that, when closed, the doors and gates shall withstand a force of 75 pounds applied perpendicular to the door or gate and distributed over an area of one square foot on any part of the door or gate without deflecting beyond the center line of the car-to-landing sill clearance. The proposed revision is necessary to render the State's regulation consistent with the latest ANSI A10.4-1990 standards and assure that the hoistway operates under the abovementioned load conditions.

New subsection (a)(3), proposed to specify design load conditions for the hoistway doors and gates, states, "When subjected to a force of 250 pounds similarly applied, doors or gates and their components shall not be displaced from their supports, guides, tracks, hinges, latches and locking devices, or permanently deformed or otherwise made inoperative." The proposed revision is necessary in order to stipulate strength specifications for the construction of hoistway doors and gates and thus render this regulation consistent with the ANSI A10.4-1990 and of sufficient strength to ensure the safety of workers.

Proposed new subsection (a)(4) gives the strength specifications, similar to those of subsection (a)(3), for multi-section hoistway doors. Subsection (a)(4) states, "Where multi-section doors or gates are used, each panel shall withstand the forces specified in this section." The proposed amendment is necessary to specify the strength requirements for the multi-panel hoistway doors and gates and will make this standard consistent with the ANSI A10.4-1990, and prevent employees from failing through the doors if pressure is applied, thus preventing serious injury or a fatal fall.

It is further proposed to label the existing design requirements for vision-panel or panels to be provided for solid hoistway doors, as (a)(5). The existing specification that the flame proof material used to cover the vision-panel (typically expanded metal or wire mesh) "...will reject a ¾-inch ball..." is not a mandatory requirement. To make the requirement mandatory, it is proposed to replace the word "will" before "...reject a ¾-inch ball..." with "shall." Also, a new strength requirement for vision-panel cover is proposed that will require the vision-panel cover

to withstand a force of 75 pounds applied perpendicularly to any part of the panel and distributed over an area of one square foot with no greater deflection than any other part of the door as allowed in subsection (a)(2). The proposed amendments are necessary to render the State's regulation consistent with the latest ANSI A10.4-1990 safety standards and to assure the smooth hoistway operation under such loading conditions; thus permitting workers to travel safely from floor to floor.

DOCUMENTS RELIED UPON

1. Division of Occupational Safety and Health, Request for New or Change in Existing Safety Order (Form 9), dated December 22, 2000.
2. Federal OSHA, 29 CFR, Subpart N, Section 1926.552(16).
3. American National Standards Institute, (ANSI) A10.8-1973, Section 6.1, Hoistway Doors and Door Locking Devices.
4. ANSI A10.8-1990, Section 6.1, Hoistway Doors and Door Locking Devices.

These documents are available for review Monday through Friday from 8:00 a.m. to 4:30 p.m. at the Standards Board Office located at 2520 Venture Oaks Way, Suite 350, Sacramento, California.

DOCUMENTS INCORPORATED BY REFERENCE

None.

REASONABLE ALTERNATIVES THAT WOULD LESSEN ADVERSE ECONOMIC IMPACT ON SMALL BUSINESSES

No reasonable alternatives were identified by the Board and no reasonable alternatives identified by the Board or otherwise brought to its attention would lessen the impact on small businesses.

SPECIFIC TECHNOLOGY OR EQUIPMENT

This proposal will not mandate the use of specific technologies or equipment.

COST ESTIMATES OF PROPOSED ACTION

Costs or Savings to State Agencies

No costs or savings to state agencies will result as a consequence of the proposed action.

Impact on Housing Costs

The Board has made an initial determination that this proposal will not significantly affect housing costs.

Impact on Businesses

This proposal will not result in a significant, statewide adverse economic impact directly affecting businesses/employers, including the ability of California businesses to compete with businesses in other states. The proposal would merely require employers who lease construction personnel hoists to ascertain (from the manufacturer) that the hoistway doors provided meet the proposed strength requirements.

Cost Impact on Private Persons or Businesses

The Board has made an initial determination that this proposal may result in a very small cost to hoistway door manufacturers for initially setting up the testing equipment and subsequently testing the doors to ensure that the doors are made in accordance with the proposed regulations. However, this proposal will not result in significant cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Costs or Savings in Federal Funding to the State

The proposal will not result in costs or savings in federal funding to the state.

Costs or Savings to Local Agencies or School Districts Required to be Reimbursed

No costs to local agencies or school districts are required to be reimbursed. See explanation under “Determination of Mandate.”

Other Nondiscretionary Costs or Savings Imposed on Local Agencies

This proposal does not impose nondiscretionary costs or savings on local agencies.

DETERMINATION OF MANDATE

The Occupational Safety and Health Standards Board has determined that the proposed regulations do not impose a local mandate. Therefore, reimbursement by the state is not required pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code because the proposed amendments will not require local agencies or school districts to incur additional costs in complying with the proposal. Furthermore, these regulations do not constitute a “new program or higher level of service of an existing program within the meaning of Section 6 of Article XIII B of the California Constitution.”

The California Supreme Court has established that a “program” within the meaning of Section 6 of Article XIII B of the California Constitution is one which carries out the governmental function of providing services to the public, or which, to implement a state policy, imposes unique requirements on local governments and does not apply generally to all residents and entities in the state. (County of Los Angeles v. State of California (1987) 43 Cal.3d 46.)

The proposed regulations do not require local agencies to carry out the governmental function of providing services to the public. Rather, the regulations require local agencies to take certain steps to ensure the safety and health of their own employees only. Moreover, the proposed regulations do not in any way require local agencies to administer the California Occupational Safety and Health program. (See City of Anaheim v. State of California (1987) 189 Cal.App.3d 1478.)

These proposed regulations do not impose unique requirements on local governments. All employers - state, local and private - will be required to comply with the prescribed standards.

EFFECT ON SMALL BUSINESSES

The Board has determined that the proposed amendments may affect small businesses.

ASSESSMENT

The adoption of the proposed amendments to these regulations will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses or create or expand businesses in the State of California.

ALTERNATIVES THAT WOULD AFFECT PRIVATE PERSONS

No reasonable alternatives have been identified by the Board or have otherwise been identified and brought to its attention that would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.